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NOTE AND COMMENT

BASEBALL AND THE JUDICIARY—The acceptance by Judge Kenesaw Mountain Landis of the position of supreme arbiter of professional baseball, as recently announced, raises questions of good taste if not of propriety. It has been generally assumed that Judges of the District Court of the United States have their hands amply full if they do the work incumbent upon them in a way befitting a judge of the United States. It may well be true that the salary provided by the Government is grossly inadequate, but we dare say that no one has considered that the remedy for such condition was to be found through outside jobs paying additional compensation.

A man receiving a salary of \$42,500 per year, the amount which it is said Judge Landis is to get from baseball, may reasonably be expected even in these days of high wages to give at least a considerable portion of his energies and time to the work for which he receives such sum. It would seem inevitable that the public service must suffer by such division of effort.

It must be further evident that it is the official position which Judge Landis holds and the really splendid record he has made in clearing up certain types of fraudulent and criminal practices that make him peculiarly acceptable to the baseball magnates. But for his judgeship he would prob-

ably be no more fitted or desired than thousands of able men interested in the national game. It appears to us that Judge Landis is prostituting his high office for the sake of a commercialized, professional sport.

If the distinguished jurist had resigned in order to accept his baseball position there might have been some to regret such yielding to the call of the flesh pots, but all would have agreed that such step was for Judge Landis alone to determine. We believe that among lawyers and the public generally the opinion must be widespread that Judge Landis in attempting to hold both positions is guilty of extremely bad taste, to say the least, and that it is a gross impropriety for him to make use of his judicial position and prestige to help him out as "czar of baseball." He ought to resign. Otherwise we may expect to see other judges with dulled senses of propriety accepting various more or less lucrative side-employments for which their offices make them peculiarly desirable.

MUNICIPAL ZONING.—Modern City Planning is of recent origin, but of rapid growth. It began in Prussia less than fifty years ago. It soon spread to adjoining countries, and reached the United States about twenty years ago.

Its primary object is to control the physical structure of the city, by controlling the real property within its actual or prospective limits. This property is either *public* or *private*. The public property is controlled, in the main, through public *ownership*; private, through *regulation*.

These regulations, recently, have taken the form of *Zoning*,—regulating by prescribed districts the kinds of buildings erected, the portion of the lot covered, and the uses to which both are put, within the districts.

The New York ordinance of July 25, 1916, is a typical one of the best kind. It includes *height*, *area*, and *use* regulations. It creates districts in which the allowable heights of buildings are $2\frac{1}{2}$, 2, $1\frac{1}{2}$, $1\frac{1}{4}$, and 1 times the width of the adjacent street at the building line, with a set-back of one foot for every four feet above that height; if the street is over 100 feet wide no additional height is allowed; and if under 50 feet, the building may be as high as if the street were that wide. There is no limit to the height of towers, steeples, and chimneys.

Under *area* regulations, the districts are: A, warehouses, storage, and industrial establishments, which may cover 100 per cent of the lot; B, large office and high apartment buildings, — per cent; C, non-elevator apartment houses, etc., — per cent; D, one- and two-family private residences in blocks, — per cent; E, private detached residences, where new buildings may not cover over 30 per cent of the lot.

Under *use* regulations, the districts are: *Unrestricted*, all sorts of buildings and factories allowable; *Business*, business and residences both allowed; *Residence*, business and factories excluded, but clubs, churches, schools, libraries, etc., allowed. Three maps are made showing the districts according to the character of the regulations. The districts made on one basis need not coincide with those made on another basis.